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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA  
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8 TERRELL YOUNG,

9 *Petitioner,*

10 vs.

11 BACA, *et al.,*

12 *Respondents.*  
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3:17-cv-00118-HDM-VPC

ORDER

14 This habeas matter under 28 U.S.C. § 2254 comes before the Court on petitioner's first  
15 and second applications (ECF Nos. 8 & 10) to proceed *in forma pauperis*, multiple additional  
16 motions (ECF Nos. 5, 6, 9, 12, 13, 14, 16 & 17) filed by petitioner, and for initial review under  
17 Rule 4 of the Rules Governing Section 2254 Cases (the "Habeas Rules").

18 ***Pauper Applications***

19 The Court finds that petitioner is unable to pay the filing fee. The first pauper  
20 application therefore will be granted, and the second pauper application will be denied as  
21 moot.

22 ***Appointment of Counsel***

23 Following initial review, the Court finds *sua sponte* that appointment of counsel would  
24 be in the interests of justice under 18 U.S.C. § 3006A. There is a substantial issue as to  
25 whether the petition is timely. However, review of the online state court dockets further  
26 reflects that there potentially may be factual issues as to petitioner's mental health status  
27 and/or as to his representation during the relevant time period. Under Habeas Rule 8(c),  
28 appointment of federal habeas counsel would become mandatory if such factual issues

1 ultimately require an evidentiary hearing. Petitioner further appears to be subject to a  
2 sentence of, *inter alia*, two consecutive sentences of life without the possibility of parole. The  
3 Court accordingly will appoint counsel for petitioner.

#### 4 ***Pending Motions***

5 All remaining pending motions will be denied as moot following upon the appointment  
6 of counsel and/or as failing to present a cogent request for relief by motion.

7 IT THEREFORE IS ORDERED that petitioner's first application (ECF No. 8) to proceed  
8 *in forma pauperis* is GRANTED, such that petitioner shall not be required to pay the filing fee,  
9 and that his second pauper application (ECF No. 10) is DENIED as moot.

10 IT FURTHER IS ORDERED that petitioner's remaining motions (ECF Nos. 5, 6, 9, 12,  
11 13, 14, 15, 16 & 17) are DENIED.

12 IT FURTHER IS ORDERED that counsel is appointed herein pursuant to 18 U.S.C. §  
13 3006A. The counsel appointed will represent petitioner in all federal proceedings related to  
14 this matter, including any appeals or *certiorari* proceedings, unless allowed to withdraw.

15 IT FURTHER IS ORDERED that the Federal Public Defender shall be provisionally  
16 appointed as counsel and shall have **thirty (30) days** to undertake direct representation of  
17 petitioner or to indicate to the Court the office's inability to represent petitioner in these  
18 proceedings. If the Federal Public Defender is unable to represent petitioner, the Court then  
19 shall appoint alternate counsel. A deadline for the filing of an amended petition and/or  
20 seeking other relief will be set after counsel has entered an appearance. The Court  
21 anticipates setting the deadline for approximately one hundred twenty (120) days from entry  
22 of the formal order of appointment. Any deadline established and/or any extension thereof  
23 will not signify any implied finding of a basis for tolling during the time period established.  
24 Petitioner at all times remains responsible for calculating the running of the federal limitation  
25 period and timely presenting claims. That is, by setting a deadline to amend the petition  
26 and/or by granting any extension thereof, the Court makes no finding or representation that  
27 the petition, any amendments thereto, and/or any claims contained therein are not subject to  
28 dismissal as untimely. See *Sossa v. Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013).

1 IT FURTHER IS ORDERED, so that the respondents may be electronically served with  
2 any papers filed through counsel, that the Clerk of Court shall add state attorney general  
3 Adam P. Laxalt as counsel for respondents and shall make informal electronic service of this  
4 order upon respondents by directing a notice of electronic filing to him. Respondents' counsel  
5 shall enter a notice of appearance within **twenty-one (21)** days of entry of this order, but no  
6 further response shall be required from respondents until further order of the Court.

7 The Clerk accordingly shall send a copy of this order to the *pro se* petitioner, the  
8 Nevada Attorney General, the Federal Public Defender, and the CJA Coordinator for this  
9 division.

10 The Clerk further shall provide copies of all prior filings herein to both the Attorney  
11 General and the Federal Public Defender in a manner consistent with the Clerk's current  
12 practice, such as regeneration of notices of electronic filing.

13 DATED: October 26, 2017.

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18 HOWARD D. MCKIBBEN  
19 United States District Judge  
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